

Message Text

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13

ACTION L-03

INFO OCT-01 NEA-10 ISO-00 EB-07 COME-00 JUSE-00 CIAE-00

DODE-00 PM-04 H-02 INR-07 NSAE-00 NSC-05 PA-01 PRS-01

SP-02 SS-15 USIA-06 IO-13 TRSE-00 /077 W

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R 231105Z APR 76

FM AMEMBASSY ALGIERS

TO SECSTATE WASHDC 4340

LIMITED OFFICIAL USE ALGIERS 1052

E.O. 11652: N/A

TAGS: PGOV, PFOR

SUBJECT: CABINET TASK FORCE ON QUESTIONABLE PAYMENTS

REF: STATE 094647

1. FOLLOWING ARE RESPONSES TO QUESTIONS IN REFTEL REGARDING
ALGERIAN LEGAL FRAMEWORK ON CORRUPTION ISSUES;

A. YES. ALGERIA DOES HAVE GENERAL PENAL LEGISLATION PUNISHING
ANY PERSON WHO SOLICITS OR ACCEPTS ANYTHING OF VALUE IN RETURN FOR
THE OBTAINING OF ANY FAVOR OR BENEFIT ACCORDED BY THE STATE AUTHORITY

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B. NO ALGERIA DOES NOT HAVE PAYMENT DISCLOSURE LAWS.

C. YES. ALGERIA HAS ADMINISTRATIVE REGULATIONS WHICH PROHIBIT
THE INVOLVEMENT OF AGENTS OR INTERMEDIARIES IN SALES TRANSACTIONS
WITH THE GOVERNMENT AND ITS NATIONAL ENTERPRISES. THESE REGULATIONS
VARY IN SPECIFICS FROM ONE STATE ENTERPRISE TO ANOTHER, BUT IN
GENERAL ALL PROHIBIT USE OF AGENTS.

D. NOT APPLICABLE TO ALGERIA SINCE THERE IS NO FUNCTIONAL
ELECTORAL PROCESS. PUBLIC OFFICIALS, HOWEVER, ARE PROHIBITED
FROM SEEKING OR ACCEPTING ANYTHING OF VALUE IN RETURN FOR
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PERFORMING OR NOT PERFORMING ANY ACTION WITHIN THEIR AREA OF

RESPONSIBILITY.

E. NO. THERE ARE NO POLITICAL CONTRIBUTION DISCLOSURE LAWS.

F. NOT APPLICABLE. THE VAST MAJORITY OF BUSINESS IN ALGERIA IS DONE BY NATIONAL COMPANIES OWNED BY THE STATE. OFFICIALS OF SUCH COMPANIES ARE SUBJECT TO THE GENERAL ANTI-CORRUPTION LAWS CITED ABOVE IN PART A. THERE ARE NO SPECIAL LAWS OR REGULATIONS THAT EMBASSY IS AWARE OF THAT APPLY TO ATTEMPTS TO INFLUENCE THE DECISION-MAKING PROCESS OF PRIVATE ENTERPRISES IN ALGIERS.

2. RELEVANT LEGISLATION ON BUSINESS CORRUPTION IS CONTAINED IN THE OFFICIAL JOURNAL OF THE ALGERIAN REPUBLIC, JUNE 11, 1966, CHAPTER 4, CRIMES AGAINST THE PUBLIC PEACE, SECTION II, TRAFFIC IN CORRUPTION AND INFLUENCE.

ARTICLE 126 - PROHIBITS SOLICITING OR RECEIVING OF GIFTS, PRESENTS OR OTHER ADVANTAGE BY PUBLIC OFFICIALS TO ACCOMPLISH OR FAIL TO ACCOMPLISH ANY ACT WITHIN THEIR FUNCTION, TO RENDER ANY DECISION FAVORABLE OR UNFAVORABLE, TO GIVE (IN CASE OF PUBLIC HEALTH DOCTORS) ANY FALSE DIAGNOSIS OR STATEMENT.

ARTICLE 127 - PROHIBITS ANY CORRUPT ACT BY ACCOUNTANTS, PUBLIC OR PRIVATE.

ARTICLE 128 - THIS IS THE ESSENTIAL STATUTE OF ALGERIAN ANTI-CORRUPTION LAW. PROVIDES ONE TO FIVE YEARS IMPRISONMENT AND FINE UP TO \$1250 FOR PERSONS WHO SOLICIT OR ACCEPT OFFERS OR PROMISES OF OR ACCEPT GIFTS, PRESENTS OR OTHER ADVANTAGE TO SECURE OR TRY TO SECURE FAVOR ACCORDED BY THE PUBLIC AUTHORITY, OR RECEIVE CONTRACTS, COMPANIES OR OTHER BENEFITS RESULTING FROM AGREEMENTS CONCLUDED WITH THE PUBLIC AUTHORITY.

THE PENALTY IS DOUBLED IF THE PERSON IS A PUBLIC OFFICIAL.

ARTICLE 129 - PROHIBITS ACT OF GIVING OR OFFERING FAVOR IN LIMITED OFFICIAL USE

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ATTEMPT TO SEEK FAVOR AS OUTLINED IN ARTICLES 126-128.

ARTICLE 130 - REFERS TO ADDITIONAL PENALTIES WHEN ACTION SOUGHT BY CORRUPT PROCESS IS ITSELF A CRIME.

3. FULL TEXT OF CHAPTER 4, CRIMES AGAINST THE PUBLIC PEACE, POUCHED TO L/PM AS A-19.

4. ABOVE INFORMATION PUT TOGETHER WITH THE ASSISTANCE OF
THE LEGAL COUNSEL'S OFFICE AT SONATRACH. DECLASSIFY UPON
RECEIPT.PARKER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: CABINET, BRIBERY, COMMITTEES, BUSINESS FIRMS, FOREIGN INVESTMENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 23 APR 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: izenbei0
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976ALGIER01052
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760155-0949
From: ALGIERS
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760431/aaaababt.tel
Line Count: 118
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION L
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 76 STATE 94647
Review Action: RELEASED, APPROVED
Review Authority: izenbei0
Review Comment: n/a
Review Content Flags:
Review Date: 07 JUN 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <07 JUN 2004 by buchant0>; APPROVED <30 SEP 2004 by izenbei0>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CABINET TASK FORCE ON QUESTIONABLE PAYMENTS
TAGS: PGOV, PFOR
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006